

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Lijun Wu, Nancy Ruffing and David P. Andrew
Application No.: 10/055,789 Group: 1649
Filed: January 18, 2002 Examiner: John D. Ulm
Confirmation No.: 9077
For: ANTI-CCR4 ANTIBODIES AND METHODS OF USE THEREFOR

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Director of U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
11-21-06 Date	<i>[Signature]</i> Signature
<i>[Signature]</i> Typed or printed name of person signing certificate	

REQUEST FOR REFUND UNDER 37 C.F.R. § 1.26

Mail Stop 16
Director of the U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On June 5, 2006, a Notice of Appeal with a Petition for Extension of Time, with a check in the amount of \$1,520.00 in payment of the fee was filed in the U.S. Patent and Trademark Office ("USPTO"). A copy of the date stamped postcard receipt for this document, indicating a date of receipt of June 9, 2006, is attached.

The reasons for the Request for Refund for the fees paid with the Notice of Appeal and the Petition for Extension of Time are detailed below:

An Office Action made Final was mailed from the USPTO on *December 5, 2005*, with a final due date of filing a response by Applicants due *June 5, 2006*, with a three month extension of time.

On *March 3, 2006*, Applicants filed an Amendment after Final which put this application into condition for allowance, as evidenced by the Notice of Allowance ("Notice") mailed from the USPTO on *July 31, 2006*. This Notice was received *after* six months from the mailing date of the Office Action made Final. A copy of the date stamped postcard receipt for this document, indicating a date of receipt of **March 9, 2006**, is attached.

Applicants' representatives attempted to contact the Examiner of Record, Examiner Ulm, on *April 28, 2006* and *May 11, 2006*, and left voice mail messages to confirm receipt of Applicants' Amendment After Final and requesting notice of whether an Advisory Action would be soon mailed from the USPTO.

On *May 15, 2006*, Examiner Ulm contacted Applicants' representative by telephone and advised that a Notice of Allowance should have been sent already and that no reason was known for the delay.

On *May 17, 2006* and *June 1, 2006*, after checking PAIR and noting that a Notice of Allowance had still not been mailed from the USPTO, Applicants' representatives again attempted to contact Examiner Ulm to request mailing of the Notice of Allowance. The Examiner was unavailable on both occasions and voice messages were left.

On *June 1, 2006*, Applicants' representatives telephoned the Examining Supervisor, Examiner Andres, who confirmed that a Allowance had been signed on March 29, 2006, counted, but no Notice had been mailed.

On *June 2, 2006*, Applicants mailed an Urgent Status Inquiry by facsimile to the USPTO requesting notification of Applicants' Notice of Allowance. No response was received.

On *June 5, 2006*, the final due date after the Office Action made Final, Applicants' representative again telephoned Examiner Andres since no Notice was indicated to be mailed according to PAIR and confirmed that an allowance had been counted but a Notice had not yet been sent.

Since Applicants had still not received any Notice or Advisory Action from the USPTO, Applicants mailed a Notice of Appeal with a three month extension of time on *June 5, 2006* to the USPTO for filing in the referenced application in order to maintain pendency and to avoid abandonment of the application. Applicants paid \$1,520.00 in fees for filing the Notice of Appeal with three months extension of time.

On *July 31, 2006*, Applicants finally received a Notice of Allowance. No explanation was received regarding the unreasonable delay between the signing of the allowance by Examiner Ulm and the mailing of the Notice by the USPTO.

Since the filing of the Notice of Appeal and Petition for Three Months' Extension of Time was necessitated by delays caused by the USPTO in sending Applicants' Notice of Allowance, Applicants respectfully request a refund and request that the Patent Office credit Deposit Account No. 08-0380 in the amount of \$1,520.00. A duplicate of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By

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Dated:

November 21, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Lijun Wu, Nancy Ruffing and David P. Andrew
Application No.: 10/055,789 Group: 1649
Filed: January 18, 2002 Examiner: John D. Ulm
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For: ANTI-CCR4 ANTIBODIES AND METHODS OF USE THEREFOR

COPY

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REQUEST FOR REFUND UNDER 37 C.F.R. § 1.26

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Alexandria, VA 22313-1450

Sir:

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The reasons for the Request for Refund for the fees paid with the Notice of Appeal and the Petition for Extension of Time are detailed below:

Initials: DES/VJT/KA/lmb

Docket No.: 1855.1063-010

Date: June 5, 2006

This is to acknowledge receipt of the following documents each filed under Certificate of Mailing Procedure 37 C.F.R. 1.8:

- ☒ NOTICE OF APPEAL w/copy
 ☒ Pet. for Ext of Time included in Notice of Appeal form
___ Transmittal of Appeal Brief w/copy
 ___ Pet. for Ext of Time included in Transmittal of Appeal Brief form
___ APPEAL BRIEF
 ☒ Check for \$1,520.00
___ REQUEST FOR ORAL HEARING w/copy
 ___ Authorization to Charge Fees
___ REPLY BRIEF
___ Amendment After Final Action w/Amendment Fee Letter w/copy
___ Other

Applicants: Lijun Wu *et al.*

Application No.: 10/055,789

Title: Anti-CCR4 Antibodies and Methods

JUN 09 2006

Filed: January 18, 2002

Date received by the PTO:

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DOCKETED

Initials: DES/VJT/dcm Docket No.: 1855.1063-010 Date: March 3, 2006

This is to acknowledge receipt of the following documents each filed under Certificate of Mailing Procedure 37 C.F.R. 1.8:

☒ Amendment/Reply Fee Letter w/copy
 ___ Pet. Ext of Time included in Fee Letter ___ Sep. Pet Ext Time w/copy
☒ AMENDMENT AFTER FINAL ACTION
☒ TERMINAL DISCLAIMER 1 doc
☒ Check for \$ 130.00 ___ Auth to charge fees
___ Other _____

Applicants: Lijun Wu, *et al.*
Application No.: 10/055,789 Filed: January 18, 2002
Title: Anti-CCR4 Antibodies...
Date received by the PTO:
@PFDesktop\ODMA\MHODMA\HBSR05\iManage\609144\1





**NOTICE OF APPEAL FROM THE EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants:

Lijun Wu, Nancy Ruffing and David P. Andrew

Serial No.:

10/055,789

Group:

1649

Filed:

January 18, 2002

Examiner:

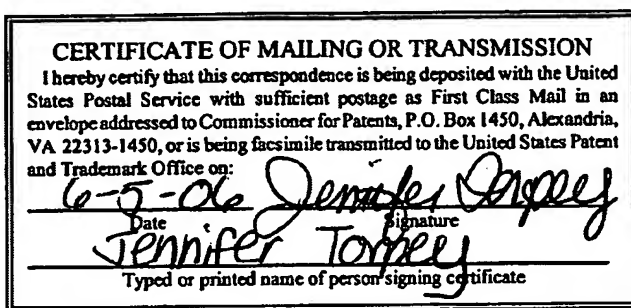
John D. Ulm

Confirmation No.:

9077

For:

ANTI-CCR4 ANTIBODIES AND METHODS OF USE THEREFOR



Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Adjustment date: 01/03/2007 SFELEKE1
06/09/2006 RFEKADU1 00000014 10055789
01 FC:1401 -500.00 OP

Adjustment date: 01/03/2007 SFELEKE1
06/09/2006 RFEKADU1 00000014 10055789
02 FC:1253 -1020.00 OP

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated December 5, 2005 of the Examiner finally rejecting claims 1-6, 11-17, 19, 22, 24-26, 28, 30-37, 39-43, 36-49. The items checked below are appropriate:

1. ☒ Applicants hereby petition to extend the time for filing a Notice of Appeal in response to the Office Action Made Final dated December 5, 2005 for three months from March 5, 2006 to June 5, 2006.
2. ☐ A ☐ month extension of time to respond to the Office Action Made Final dated ☐ was filed on ☐ with payment of a \$☐ fee.
☐ Applicant hereby petitions for an additional ☐ month extension of time to respond to the Office Action Made Final.

06/09/2006 RFEKADU1 00000014 10055789

02 FC:1253

1020.00 OP

Repln. Ref: 01/03/2007 SFELEKE1 0008282300
DAH:080380 Name/Number:10055789
FC: 9204 \$1520.00 CR

06/09/2006 RFEKADU1 00000014 10055789

01 FC:1401